



UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/248935	5/25/94	Gates	957x7

EXAMINER
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B. Bell

ART UNIT	PAPER NUMBER
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1102

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DATE MAILED:

### EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

- (1) Mr. George Craig (3) \_\_\_\_\_  
(2) Bruce Bell (4) \_\_\_\_\_

Date of Interview 2-28-95

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description: \_\_\_\_\_

Agreement ☒ was reached with respect to some or all of the claims in question. ☐ was not reached.

Claims discussed: all

Identification of prior art discussed: none

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: discussed inclusion  
into specification that all known conventional electrochromic materials could be  
chosen in the applicant's device and that the novelty is in  
the inclusion of nitrogen into the electrolyte

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☐ 1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☐ 2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.

PTOL-413 (REV. 2-93)

Bruce Bell  
Examiner's Signature

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**DOCKET 7310    No. 09/037,801**

Assigned to Examiners NUZZOLILLO and ALEJANDRO

<u>Filed</u>	3/10/98	
<u>Restriction</u>	9/9/99	Twenty Three way restriction of Claims 1-102.
<u>Office Action</u>	11/24/99	Elected Claims 33-40 rejected by Examiner Alejandro under § 103(a) Hockaday 5,759,712 in view of Hockaday 5,631,099.
<u>Petition</u>	12/9/99	Petition to vacate restriction
<u>Office Action</u>	2/23/00	Petition to vacate restriction granted Five way restriction made. Elected Claims 10-43, 51-54, 89-92 and 94-97 rejected by Examiner Alejandro under § 103(a) Hockaday 5,759,712 in view of Hockaday 5,631,099.
<u>Amendment &amp; Decl.</u>	3/7/00	Amendment Elected Claims and argument Declaration of Dr. LaFollette
<u>Interview</u>	5/3/00	Interview. Hockaday 5,759,712 removed by Examiner Nuzzolillo because it concerns a fuel cell, not a battery.
<u>Supplemental Amendment</u>	5/5/00	Two Claims amended.
<u>Office Action</u>	5/17/00	Office Action. Hockaday references dropped. Claims 10-43, 51-54, 89-92 and 94-97 rejected by Examiner Alejandro under § 103(a) on Arledge 5,437,941
<u>Amendment &amp; Decl.</u>	8/15/00	Amendment. Non-elected Claims 1-9, 44-50, 55-88, 93 and 98-107 cancelled without prejudice. Some elected Claims amended. Claims 103-109 added. Second Declaration of Dr. LaFollette.
<u>Office Action</u>	10/20/00	Final Office Action. Claims 10-43, 51-54, 89-92, 94-97 and 103-109 rejected by Examiner Alejandro under § 103(a) on Arledge 5,437,941.
<u>After Final Amendment &amp; Decl.</u>	12/15/00	Amendment. Amended some Claims. Third Declaration of Dr. LaFollette.
<u>Interview</u>	12/18/00	Interview promising re-evaluation of rejection.
<u>Interview Summary</u>	12/19/00	Applicants' Summary of Interview/ Request Final be withdrawn.
<u>Advisory</u>	12/26/00	Advisory refusing to re-evaluate rejection and refusing to enter Amendment of 12/15/00.
<u>C.P.A.</u>	1/11/01	Continued Prosecution Application filed.
<u>Office Action</u>	2/20/01	Office Action. Claims 10-12, 15-43, 51-54, 89-92 and 103-109 rejected by Examiner Alejandro under § 103(a) on Arledge 5,437,941 Claims 10-12, 15-43, 51-54, 89-92, 94-97 and 103-109 rejected § 103(a) on ShoKoolie 5,140,696.
<u>Division</u>	7/28/01	Non-elected claims 1-9, 44-50, 55-88, 93 and 98-102 of S.N. 09/037,801 (Docket 7310) placed in a divisional application (S.N. 09/627,959-Docket 7310.D1).
<u>Continuation</u>	8/14/01	Elected Claims placed in a continuation application (S.N. 09/930,539-Docket 7310.C) of S.N. 09/037,801 (Docket 7310).

**DOCKET 7310.C S.N. 09/930,539**

**Examiner ALEJANDRO**

Application Filed	8/14/01	The elected Claims of S.N. 09/037,801 placed in this continuation. 3/7/00, 8/14/00, 12/15/00 Declaration of Dr. LaFollette filed.
Declaration	12/11/02	Declaration of Dr. LaFollette filed.
Amendment	12/13/02	Amendment before First Action.
Petition	4/08/04	Petition to Make Special.
Petition Granted	5/18/04	Petition to Make Special granted.
Office Action	6/04/04	Restriction 1 Species Requirement even though in parent S.N. 09/930,539 it was determined by the Examiner and the Applicant that Claims 10-43, 51-54, 89-92, 94-97 and 103-109 constituted one invention and after almost three years of additional pendency (6 years all together), the Examiner imposed a contradictory restriction/species election requirement, leaving only Claims 21-40 as elected Claims (20 of 49 Claims)- roughly 40% of the Claims elected and examined in S.N. 09/037,801.
Election	6/02/04	Response to Restriction/Species electing Claims 21-40.
Office Action	8/05/04	Claims 21-31, 33-36 and 38-40 rejected on Bates 5,455,126. Claims 26-28, 32 and 37 rejected under § 103(a) on Bates and Miekka 6,045,942.

After six years of prosecution, about 60% of the elected Claims in parent S.N. 09/037,781 are no longer elected because of an arbitrary restriction and the Examiner has capitulated to the position of the Applicant's as to the four references relied upon in parent S.N. 09/037,781, but now relies for the first time in six years on two new references.